Div. 396, 170 N. Y. Supp. 1024; *Smith* v. *Smith's Ex'r*, 122 Va. 341, 94 S. E. 777. Where the testator has paid taxes, has his family home, exercises the rights of citizenship, and makes his will describing himself as a citizen of that place, there undoubtedly is his domicile. *Carey's Appeal*, 75 Pa. St. 201. In the absence of these substantiating acts, however, there would seem to be no evidence sufficiently strong to indicate a change of the domicile. Even an unequivocal declaration of intent would not rebut the presumption against abandonment of the prior domicile. *Forbes* v. *Forbes*, Kay, 341; *Gilman* v. *Gilman*, 52 Me. 165; *Pickering* v. *Cambridge*, 144 Mass. 244, 10 N. E. 827.

EQUITY — JURISDICTION — ADEQUACY OF LEGAL REMEDY WHERE THERE IS A RECOVERY IN QUASI-CONTRACT — ACCOUNT. — The defendants, stockholders in a corporation, fraudulently induced the plaintiff, another stockholder, to sell his shares to them and to promise not to reëngage in a similar business for five years. The defendants having sold the stock to a competing concern at a profit, the plaintiff brings an action in equity to rescind the transaction and to have an accounting of the proceeds. *Held*, that the complaint states no ground for equitable relief. *Falk* v. *Hoffman*, 179 N. Y. Supp. 428 (App. Div.).

In England, when property has been procured by actual fraud, equity has freely exercised its jurisdiction to impose a constructive trust upon the proceeds, even though an adequate remedy could be had at law in quasi-contract. *Hill* v. *Lane*, L. R. 11 Eq. 215. See *Slim* v. *Croucher*, 1 De G., F. & J., 518, 523, 528; *Anderson* v. *Eggers*, 49 Atl. 578, 580 (N. J.). The reason seems to be that, originally, all cases of fraud were in the exclusive jurisdiction of equity, and equity refuses to be ousted of a jurisdiction exercised before the legal remedy was devised. See 1 POMEROY, EQ. JURIS., 4 ed., § 278; 2 *Id.*, § 912. However, the contrary doctrine obtains generally in the United States. *Buzard* v. *Houston*, 119 U. S. 347; *Curriden* v. *Middleton*, 232 U. S. 633. See 2 POMEROY, EQ. JURIS., 4 ed., § 914. But where special circumstances exist, such as insolvency, which will cause the legal remedy to be clearly inadequate, equity will exercise its jurisdiction. *Bosley* v. *The National Machine Co.*, 123 N. Y. 550, 25 N. E. 990; *American Sugar Refining Co.* v. *Fancher*, 145 N. Y. 552, 40 N. E. 206. The principal case is in accordance with the American doctrine. *Equitable Life Assurance Society* v. *Brown*, 213 U. S. 25. But the doctrine seems unfortunate in that it leads to unnecessary and prolonged litigation; equity has a legitimate ground for granting relief and should do so. The accounting in the instant case is properly held not to be sufficient of itself to give equity jurisdiction, for no mutual accounts, complication, or fiduciary relationship appear. *Stitzer* v. *Fonder*, 214 Pa. St. 117, 63 Atl. 421; *Taff Vale Railway Co.* v. *Nixon*, 1 H. L. Cas. 110; *Harvey* v. *Sellers*, 115 Fed. 757. See Langdell, "A Brief Survey of Equity Jurisdiction," 3 HARV. L. REV. 236, 246. See also 23 HARV. L. REV. 304. But a decree for an accounting would have been possible, as incidental to other equity relief, if the court had imposed a constructive trust. See 5 POMEROY, EQ. JURIS., 4 ed., § 2354.

EVIDENCE — GENERAL PRINCIPLES AND RULES OF EXCLUSION — EVIDENCE OF TRAILING OF ACCUSED BY BLOODHOUNDS. — The defendant was on trial for arson. A witness was permitted, over defendant's objection, to testify that dogs trained in the art of trailing human beings were set on to a well-defined track near the burned lumber yard and followed the tracks to the defendant's bed. *Held*, that there was no error. *State* v. *Yearwood*, 101 S. E. 513 (N. C.).

Evidence of trailing by bloodhounds is, by the weight of authority, admissible as a circumstance tending to connect the defendant with the crime. *Hargrove* v. *State*, 147 Ala. 97, 41 So. 972; *State* v. *Adams*, 85 Kan. 435, 116

Pac. 608. See 1 WIGMORE, EVIDENCE, § 177 (2). However, a proper predicate must first be laid showing the training and accuracy of the dog, the freshness of the trail, and that the tracks at the starting point were made by the guilty party. *State* v. *Dickerson*, 77 Ohio St. 34, 82 N. E. 969. See *Pedigo* v. *Commonwealth*, 103 Ky. 41, 50, 44 S. W. 143, 145. But even so, such evidence is rather unsatisfactory. Though the dog is impartial, his action may be influenced by the personal attendant and other factors, and, being spectacular, it tends to exert an undue influence on the minds of the jury. See J. C. McWhorter, "The Bloodhound as a Witness," 54 AM. L. REV. 109. Consequently juries should be particularly cautioned to weigh such evidence discriminatingly. *State* v. *Rasco*, 239 Mo. 535, 144 S. W. 449. It has been held that in the absence of other evidence tending to implicate the accused, the testimony of the bloodhound will not sustain a verdict of guilty. *Carter* v. *State*, 106 Miss. 507, 64 So. 215. And a few jurisdictions reject such evidence altogether. *Ruse* v. *State*, 186 Ind. 237, 115 N. E. 778; *Brott* v. *State*, 70 Neb. 395, 97 N. W. 593. It would seem, however, that the objections made go rather to the weight of the evidence than to its admissibility and do not warrant a rule of absolute exclusion.

EVIDENCE — JUDGMENT AS EVIDENCE OF A FACT — DECREE OF PROBATE COURT. — An action was brought under the Workmen's Compensation Act to recover for the death of an employee. An order of the probate court, reciting a finding that the applicant was the wife of the deceased, was admitted in the lower court as evidence of that fact. On appeal, *held*, that this evidence should not have been admitted. *Illinois Steel Co.* v. *Industrial Commission*, 125 N. E. 252 (Ill.).

For a discussion of the principles involved in this case, see NOTES, p. 850, *supra*.

EVIDENCE — STATEMENTS IN PUBLIC DOCUMENTS — ADMISSIBILITY OF CENSUS REPORT. — The accused in a criminal prosecution had made an affidavit of juvenility. As evidence tending to show the untruthfulness thereof, the prosecution produced a school census report, and the census taker testified that he had made the report offered, but he was unable to identify the person whose name was signed to the report, or state of his own knowledge that she was the mother or guardian of the accused. *Held*, that the evidence was properly admitted. *Jefferson* v. *State*, 214 S. W. 981 (Tex.).

Courts admit, as evidence of the truth of the facts stated, records made in the performance of public duty where the recorder had some opportunity of verifying the facts recorded. *The Irish Society* v. *The Bishop of Derry*, 12 Cl. & F. 641; *Evanston* v. *Gunn*, 99 U. S. 660. The purpose of a census is to secure data, under legislative authority, of general facts, such as the population of a district and similar facts of sociological interest, and to make such information public. As evidence of the population of a county or town, therefore, the federal census is properly received. *State* v. *Neal*, 25 Wash. 264, 65 Pac. 188; *Fulham* v. *Howe*, 60 Vt. 351, 14 Atl. 652. But census memoranda as to the ages of individuals are not meant to be made public, nor is the purpose of a census, usually, the registering of ages. As evidence of the minority of individuals a school census should not be received. *Campbell* v. *Everhart*, 139 N. C. 503, 52 S. E. 201. See also *Edwards* v. *Logan*, 114 Ky. 312, 329, 70 S. W. 852, 857. In the principal case the statement in the report as to the age of the accused was the unverified statement of some person whose identity could not be ascertained. Its admission seems improper.

FRAUDULENT CONVEYANCES — RIGHTS OF CREDITORS — TORT CLAIMANTS AS CREDITORS WITHIN THE STATUTE — TIME OF ACCRUAL OF RIGHT TO ATTACK THE CONVEYANCE. — The plaintiff brought an action against the